

Remarks/Arguments:

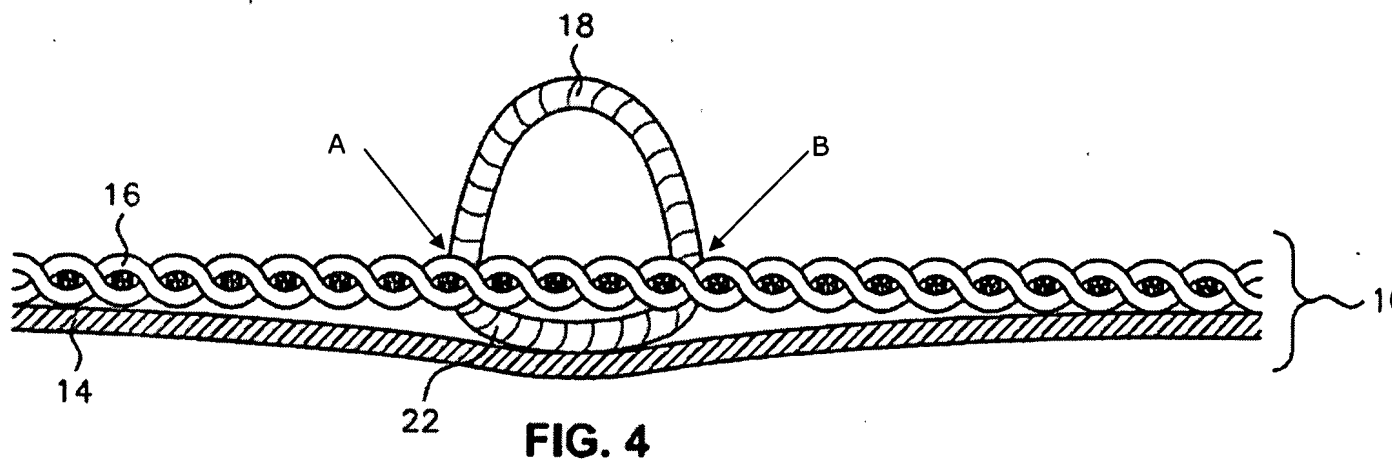
With the present response, claims 1-13 and 15-23 are pending, with claims 3, 9, 17, 22, and 23 having been withdrawn as a result of a Restriction Requirement.

The Examiner is thanked for the courtesy of the telephone interview on October 23, 2007 during which the claim language "comprises a closed loop extending beyond said outer layer in no more than two locations" in each of the independent claims were discussed. During the interview, the language "penetrating through" was suggested by the Examiner to replace the language "extending beyond" to clarify the claimed invention. Applicant has amended all of the independent claims to replace the language "extending beyond" with the language "penetrating through."

Claim rejections

Claim rejections under 35 U.S.C. §112

Claims 1, 2, 4-8, 10-13, 15, 16, and 18-21 stand rejected under 35 U.S.C. §112, first paragraph. Independent claims 1, 10, 15, 16, 20, and 21 have all been amended to recite that the claimed fastening element(s) comprise(s) a closed loop *penetrating through* the claimed outer layer in no more than two locations. Support for this amendment may be found, for example, in Fig. 4, which shows an exemplary fastening element 18 penetrating through outer layer 16 in two locations, which are illustrated by arrows "A" and "B" below.



Applicant respectfully submits that Fig. 4 supports the amended claim language. Applicant therefore respectfully requests withdrawal of the 35 U.S.C. §112 rejection of claims 1, 2, 4-8, 10-13, 15, 16, and 18-21.

Claim rejections under 35 U.S.C. §102

Claims 1, 2, 4-8, and 10-13 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,527,353 to Schmitt ("Schmitt").

Claim 1, as amended, recites, *inter alia*, a non-porous graft adapted to be secured to a stent. The graft comprises an inner layer of a non-porous material, an outer layer of material laminated to said inner layer, and a fastening element adapted to be secured to said stent, wherein said fastening element is fixed between said inner layer and said outer layer, and wherein said fastening element comprises *a closed loop penetrating through said outer layer in no more than two locations*.

Schmitt is cited for allegedly disclosing a fastening element 6 that may project through elements of a stent. As shown in Fig. 3 of Schmitt, element 6 projects through outer layer 2 in at least four (4) locations. Amended claim 1, on the other hand, recites a fastening element having a closed loop that penetrates through the outer layer in no more than two (2) locations, as shown by arrows "A" and "B" in the exemplary embodiment shown in annotated FIG. 4, above. Because Schmitt fails to disclose or suggest all of the limitations of claim 1, Applicant respectfully submits that claim 1 is patentable over Schmitt. Claims 2 and 4-8 all ultimately depend from claim 1 and are allowable over Schmitt for at least the same reasons set forth above with respect to claim 1. Reconsideration and allowance of claims 1, 2, and 4-8 are respectfully requested

Claim 10, as amended, recites, *inter alia*, a non-porous tubular graft adapted to be secured to a stent surrounding said graft. The graft comprises an inner layer of a non-porous material and an outer layer of knitted, woven, or braided material laminated to said inner layer. The outer layer includes a plurality of fastening elements extending outwardly from said outer layer along a length of said outer layer of said tubular graft. Each of the plurality of fastening elements comprises *a closed loop penetrating through said outer layer in no more than two locations*. At least some of said fastening elements are positioned to extend between elements of the stent when said stent is surrounding said graft.

As discussed above with respect to claim 1, Schmitt fails to disclose or suggest the limitation of a closed loop penetrating through said outer layer in no more than two locations, as is recited in claim 10. Because Schmitt fails to disclose or suggest all of the limitations of amended claim 10, Applicant respectfully submits that the rejection of claim 10 is improper. Claims 11-13 all ultimately depend from claim 10 and are patentable over Schmitt for at least the same reasons set forth above with respect to claim 10. Reconsideration and allowance of claims 10-13 are respectfully requested.

Claim rejections under 35 U.S.C. §103

Claims 15-21 stand rejected under 35 U.S.C. §103(a) as unpatentable over Schmitt in view of U.S. Patent No. 5,891,193 to Robinson ("Robinson"). Claim 17 has been withdrawn. Withdrawal of the rejection of claim 17 is respectfully requested.

Independent claims 15, 16, 20, and 21 have all been amended to recite the limitation of *each of the plurality of fastening elements comprises a closed loop penetrating through said outer layer in no more than two locations*. Schmitt is discussed above. Robinson is cited for the disclosure of a stent graft prosthesis wherein the graft is sutured to the prosthesis. Robinson, discloses, in FIG. 5, suture 50 that is passed through graft 20 four times. See Col. 6, lines 61-67. Robinson fails to cure the deficiency of Schmitt in that Robinson also fails to disclose or suggest the claimed limitation of each of the plurality of fastening elements comprises a closed loop penetrating through said outer layer in no more than two locations.

Applicant respectfully submits that the rejection of amended claims 15, 16, 20, and 21 is improper. Claims 11-13 depend from claim 10, claim 18 depends from claim 15, and claim 19 depends from claim 16. These claims are patentable over the proposed combination of Schmitt and Robinson for at least the same reasons as set forth above with respect to claims 10, 15, and 16. Reconsideration and allowance of claims 10-16, and 18-21 are respectfully requested.

In the event that claims 1, 15, and 20 are allowed, Applicant respectfully submits that withdrawn claims 3, 9, 17, and 22 are allowable as being dependent upon allowed base claims and will thus be allowable as well. Reentry and allowance of claims 3, 9, 17, and 22 are also respectfully requested.


Appln. No.: 10/748,610
Amendment Dated October 31, 2007
Reply to Office Action of October 18, 2007

BSI-521US

Conclusion

With the above amendments and arguments, Applicant respectfully submits that claims 1, 2, 4-8, 10-13, 15, 16, and 18-21 are in condition for allowance. Prompt reconsideration and allowance of claims 1, 2, 4-8, 10-13, 15, 16, and 18-21 are respectfully requested.

Respectfully submitted,



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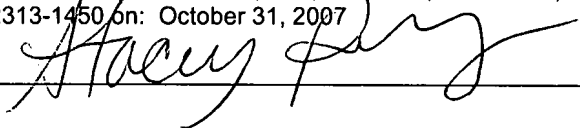
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